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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,854	11/26/2002	Renuka Uppaluri	122432 CIP	3376
23413	7590	02/13/2006	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			KRONENTHAL, CRAIG W	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/065,854

Applicant(s)

UPPALURI ET AL.

Examiner

Craig W. Kronenthal

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 6-22, 28-34, 37-48, 50, 51, 53 and 55.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: With regards to claim 1, Applicant argues in essence that the ANN as taught by Giger et al. (PN 6,205,348, hereinafter Giger) does not read on a feature selection algorithm as claimed. The examiner disagrees and indicates that the term "non-algorithmic" as used by Giger is used only in a generic sense to indicate that the ANN is not hardwired. The examiner interprets the word algorithm in accordance with the following: "Technically, an algorithm must reach a result after a finite number of steps, thus ruling out brute force search methods for certain problems, though some might claim that brute force search was also a valid (generic) algorithm. The term is also used loosely for any sequence of actions (which may or may not terminate)" (The Free On-line Dictionary of Computing, © 1993-2005, Denis Howe). Accordingly, Giger's ANN would incorporate an algorithm to compare examples, used in the training process, to reach a result as to the classification of a region of interest. Furthermore, it is well known in the art that ANN's utilize rules to make their decisions. Generally, rules are an inherent feature of any process that reaches a decision. Nishikawa et al. (PN 6,058,322, hereinafter Nishikawa) indicates that ANN's are applied because they incorporate multiple rules (multi-variable mathematical models) to solve complex problems where one simple rule will not work (col. 20 lines 3-14). Additionally, the applicant argues that Giger does not disclose the image set containing all four images being in an image set (Remarks, page 15). The examiner disagrees and indicates that the image set is not tangible and is only used to group four related images. The claim language does not disclose any specifics as to how the images are arranged within the image set. The examiner asserts that the storing of images in memory allows images to be available. Giger discloses acquiring low-energy and high-energy images and storing them in a memory (col. 10 lines 24-28). Giger also teaches that through "energy subtraction" techniques "bone-cancelled" and "soft-tissue-cancelled" images are obtained (col. 7 lines 49-51). Giger then discloses performing "energy subtraction" in Figure 23A after first registering (storing) the low-energy and high-energy images (col. 8 lines 59-65). It is at this juncture (Figure 23A, block labelled energy subtraction (weighted sum)) that all four images (low-energy, high-energy, bone-cancelled, and soft-tissue-cancelled images) are available.